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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,552	04/22/2004	Allen Stein	2A08.1-012	6370

23506 7590 11/16/2006

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ATLANTA, GA 30339

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/829,552	Applicant(s) STEIN, ALLEN	
	Examiner Jared W. Newton	Art Unit 3634	


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

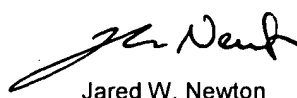
The Appeal Brief filed on 19 September 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600


Jared W. Newton
November 14, 2006
JWN

Continuation of 10. Other (including any explanation in support of the above items): In regard to Item 5 above, the GROUNDS OF REJECTION section does not list a ground of rejection for claims 6-9 and claim 18. Appellant has not addressed the rejections of claims 6-9 and 18 as set forth in the Office Action mailed May 30, 2006. It is unclear whether Appellant is conceding said rejections.

In regard to Item 6 above, the headings of the ARGUMENT section of the brief do not correctly correspond to the headings of the GROUNDS OF REJECTION section. The first heading of the GROUNDS OF REJECTION is directed to claims 1-4, 10-17, and 19. The second heading of the GROUNDS OF REJECTION is directed to claims 5 and 20. The first heading of the ARGUMENT section is directed to Claims 1-10, which does not correctly correspond to the first heading of the GROUNDS OF REJECTION, or the claims listed therein. The second heading of the ARGUMENT section is directed to claims 11-15, which does not correspond to the second heading of the GROUNDS OF REJECTION. The claims listed in the fifth heading of the ARGUMENT section correspond to those listed in the second heading of the GROUNDS OF REJECTION.

Each ground of rejection must be addressed separately under a required separate heading. It is suggested that Appellant use the following headings:

- (1) The rejection of claims 1-4, 10-17, and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. Des. 249,000 to Simmons
- (2) The rejection of claims 5, 18, and 20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Des. 249,000 to Simmons as applied to claims 1, 11, and 16.
- (3) The rejection of claims 6 and 7 under 35 U.S.C. . . .
- (4) The rejection of claim 8 under 35 U.S.C. . . .
- (5) The rejection of claim 9 under 35 U.S.C. . . .

If Appellant wishes to argue dependent claims separately, then those should be placed under subheadings identifying the addressed claims.